

**Rosemont Copper Mine Update for
Regional Administrator Jared Blumenfeld – July 25, 2013**

B(5)

FURTHER DETAILS REGARDING OUR COMMENTS ON THE PAFEIS

- The groundwater modeling relied upon for assessing impacts to off-site surface waters contains a high degree of uncertainty and is not reliable for supporting the PAFEIS' conclusion that some off-site waters will not be affected by the project.
- Based upon the information provided, it is clear that some off-site surface waters, including an undetermined amount of WUS, will be impacted and/or lost due to the project. Robert Leidy, one of Region 9's senior wetlands scientists, visited some of these off-site waters in June and identified significant and high quality wetlands within the area of likely effect. This project impact is not well analyzed and no mitigation is proposed. Water Division is exploring the CWA §404 implications of this impact.
- Downstream "Tier III" (anti-degradation) waters are still at risk of receiving water quality impacts as a result of the project, contrary to state and federal requirements.
- The mitigation proposed to date for the *direct* impacts to WUS remains inadequate and not compensatory. It currently appears that the project would result in significant degradation of waters of the US.
- The project would result in exceedance of both visibility and nitrogen deposition thresholds for Class I areas, particularly Saguaro National Park. The Forest Service proposes only to "discuss with the Park Service the potential for additional mitigation."
- The project would emit PM_{2.5} in excess of the PSD Class II increment. No additional mitigation is currently proposed to avoid this impact.
- The project would have severe unmitigated impacts on tribal resources. A number of tribal groups, particularly the Tohono O'odham are openly opposed to the project.
- Those alternatives that continue to include the heap leach facility (all alternatives except for the preferred) may require long term financial assurances for managing this facility after closure.

OTHER PARTIES' INTERESTS AND ACTIONS

- **The Arizona Department of Environmental Quality (ADEQ)** has several regulatory actions:
 - The §401 cert application is being held abeyance until at least a preliminary LEDPA determination is made. However, its scope is limited under State law to the area of direct fill;
 - The applicant is seeking coverage under an **NPDES** general stormwater permit, although ADEQ may require an individual permit. The EIS makes several incorrect assumptions regarding use of the multi-sector GP;
 - An **Aquifer Protection Permit (APP)** was issued April 3, 2012 for the original Mine Plan of Operation (MPO), and appealed on the grounds that it is insufficiently protective of groundwater and is not representative of the current mine proposal. The appeal was dismissed in June 2013, but an amended or revised APP will need to be submitted following the final MPO revision.
 - The **Air Permit**, issued on January 31, 2013, is subject to an ongoing appeals process. Save the Scenic Santa Ritas appealed on the grounds that: 1) the air impact modeling was technically deficient; 2) a Class 1 permit is most appropriate (not the issued Class 2); 3) NAAQS exceedences may occur; 4) HAPS emissions were understated; and 5) the project is now fundamentally different than described in the issued permit.
- **US Fish and Wildlife Service** has issued a draft biological opinion, which does not reach a jeopardy opinion for any of the impacted listed species. However, the USFWS did find that the project will result in adverse effects to several listed species and their critical habitat.
- **NGOs:** Former CEQ council Dinah Bear is representing a consortium of environmental groups and local farmers. These groups have stated they will file suit should FS issue a ROD approving the mine.
- **Congressional:** Congressmen **Raul Grijalva (D)** and **Ron Barber (D)** have substantial concerns about the mine, and both have written letters to Interior Secretary Vilsack suggesting a revised or supplemental DEIS would be appropriate. Grijalva received a phone briefing from Region 9 on April 2, 2013. The project is in Barber's district (recently Giffords'), and Grijalva's is adjacent to the west.
- **BLM** is a cooperating agency and manages the adjacent Las Cienegas National Preservation Area, which would be severely impacted by the project's groundwater drawdown. BLM commented on the DEIS, mirroring many of our concerns regarding the impact models' technical limitations.